

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 1:11CR107 HEA
)	
DANNY LEE BYRD,)	
)	
Defendant,)	

OPINION, MEMORANDUM AND ORDER

This matter is before the Court on defendant's motion for relief in which he indicates that he may be entitled to relief under *Johnson v. United States*, 135 S.Ct. 2551 (2015). The Court referred this action to the Federal Public Defender's office to determine whether it would file a motion on defendant's behalf. It has informed the Court that it will not file anything.

The Court finds that it is in the interest of justice to convert defendant's motion to a motion to vacate under 28 U.S.C. § 2255. Therefore, the Court will order the Clerk to file it as a new case.

Accordingly,

IT IS HEREBY ORDERED that the Clerk is directed to administratively terminate defendant's motion for relief [ECF No. 45] and to file it as a new action under 28 U.S.C. § 2255.

Dated this 19th day of May, 2016



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE